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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/737,011	12/14/2000	John Meyer	DEI 00.01	8236
27667	7590	05/26/2005	EXAMINER	
HAYES, SOLOWAY P.C. 130 W. CUSHING STREET TUCSON, AZ 85701			PATEL, JAGDISH	
			ART UNIT	PAPER NUMBER
			3624	

DATE MAILED: 05/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/737,011	MEYER ET AL.	
	Examiner	Art Unit	
	JAGDISH PATEL	3624	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 05 November 2004.
 2a) This action is FINAL. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 41-92, 94, 96 and 99-142 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) Claim(s) 41-80, 94, 96 and 99-142 is/are allowed.
 6) Claim(s) 81-92 is/are rejected.
 7) Claim(s) _____ is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____ |

Art Unit: 3624

DETAILED ACTION

1. This communication is in response to amendment filed 1/30/03.

Response to Amendment

2. Claims 81-84, 94 and 96 have been amended. Claims 41-80 and 99-142 stand allowed as indicated in prior office action.
3. Rejection of claims 94 and 96 under 35 USC 101 and Rejection of claims 81-92, 94 and 96 under 35 USC 112 (second) have been withdrawn.
4. Upon further review claims 81-92 have been found rejectable under 35 USC 103 over prior art as explained below.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

--- (a)-A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6. Claims 81-92 are rejected under 35 U.S.C. 103(a) as being unpatentable over Carlson et al. (US Pat. 5,053,607) and further in view of Official Notice.

Art Unit: 3624

As per claim 81 Carlson teaches a computer-implemented payment network (col. 5 L 3-5 CPU which completes all transactions, col. 13, L 44-48, device 100 and its associated components will interact with a number of financial networks..) comprising:

a computer-implemented payee accounts receivable system (see col. 17 L functionality indicated by "transaction completed" indicator lamp which require payee's account held at his bank which functions as the accounts receivable system);

a computer-implemented payment system adapted to effect or initiate transmission or transfer of funds to an account corresponding to a payee in a predetermined amount based on payment data corresponding to the entry into said payment system of a payment from a payor in the form of a physical payment instrument and concomitantly effect or initiate transmission or transfer of at least a portion of the payment data to the computer-implemented payee accounts receivable system..;

(see Figure 7 and relevant description at col. 13 and 14, col. 15 L 23-38..MICR information ..used to withdraw funds from the account)

Art Unit: 3624

wherein the payee accounts receivable system is adapted to receive said portion of said payment data and to credit an account corresponding to said payor in the amount of said payment (see col. 15 L 23-38, "may wish to deposit EFT check credits to another bank account..").

Carlson, while teaches that the payment data is received by the payment network and the payee accounts receivable system at the time of the transaction (col. 3 and 4 L 35+ the retailer's bank account in association with the bank's electronic system ..refer to MICR read head means in order to transfer funds represented by the negotiable instrument from an account of the maker ..to an account of the payee of the negotiable instrument. Therefore, the at least a portion of the payment data is received at the payee bank as of the date and time of the entry of the payment into the payment system).

Carlson fails to teach that the payment data include the date and time of the entry of the payment into the payment system.

Official Notice is taken that recording date and time of a payment transaction is old and well known.

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to include the

date and time of the entry of the payment because this data would provide a proof of timing of the payment made by a payee.

Claim 85: refer to claim 81 analysis.

Claim 89: ...payment system is adapted to identify the account corresponding to said payee by scanning a bar code comprising information corresponding to the payee (see col. 13 L 23-36, ..suitable magnetic stripe..type similar to bar code (UPC) or requiring an optical character recognition (OCR)... and col. 15 L 23-38. MICR information allowing the network to locate the desired payee account).

Claims 82, 86 and 90 correspond to claims 81, 85 and 89 respectively and have been similarly analyzed.

Claims 83, 87 and 91 correspond to claims 81, 85 and 89 respectively and have been similarly analyzed.

Claims 84, 88 and 92 correspond to claims 81, 85 and 89 respectively and have been similarly analyzed.

Allowable Subject Matter

7. Claims 41-80, 94, 96 and 99-142 allowed.

Art Unit: 3624

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JAGDISH PATEL whose telephone number is (571) 272-6748. The examiner can normally be reached on 800AM-600PM M-Th.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin can be reached on (571)272-6747. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Jagdish N. Patel

(Primary Examiner, AU 3624)

5/23/05